

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN F. AUSLER,  
Petitioner,  
vs.  
SCOTT FRAKES,  
Respondent.

NO. CV-06-0266-EFS

**ORDER GRANTING MOTION TO  
VOLUNTARILY DISMISS PETITION**

BEFORE THE COURT is Petitioner's letter requesting he be allowed to withdraw his Petition without prejudice (Ct. Rec. 19). Because Petitioner is proceeding *pro se*, the Court liberally construes the letter as a Motion to Voluntarily Dismiss Petition. Petitioner, a prisoner at the Coyote Ridge Corrections Center, is proceeding *in forma pauperis*; Respondent has not been served. Accordingly, **IT IS ORDERED** Petitioner's Motion (Ct. Rec. 19) is **GRANTED** and the Petition is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a). The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner, and close the file.

**DATED** this 15th day of December 2006.

S/ Edward F. Shea  
EDWARD F. SHEA  
UNITED STATES DISTRICT JUDGE

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